

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 136

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING RESIDENT TUITION
ELIGIBILITY FOR VETERANS OF THE UNITED STATES ARMED FORCES AT
NEW MEXICO INSTITUTIONS OF HIGHER EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-1-4.5 NMSA 1978 (being Laws 2005,
Chapter 168, Section 1) is amended to read:

"21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED
FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE
ARMED FORCES.--

A. A veteran of the armed forces of the United
States shall be deemed an in-state resident for purposes of
determining tuition and fees at all state institutions of
higher learning provided that veteran is eligible for veterans'
education benefits under federal law. In order for an

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underscored material = new
[bracketed material] = delete

1 out-of-state resident veteran to receive in-state tuition
2 rates, the veteran shall use the veteran's federal educational
3 benefits at a state public post-secondary institution.

4 [A.] B. A spouse or child of an active member of
5 the armed forces who is assigned to duty in New Mexico shall be
6 deemed an in-state resident for purposes of determining tuition
7 and fees at all state institutions of higher learning.

8 [B.] C. A spouse or child of an active member of
9 the armed forces who is assigned to duty elsewhere immediately
10 following assignment to duty in New Mexico shall be deemed an
11 in-state resident for purposes of determining tuition and fees
12 at all state institutions of higher learning as long as the
13 spouse or child resides continuously in New Mexico.

14 [C.] D. A spouse or child of an active member of
15 the armed forces who dies or is killed shall be deemed an in-
16 state resident for purposes of determining tuition and fees at
17 all state institutions of higher learning if the spouse or
18 child becomes a resident of New Mexico within sixty days of the
19 date of death.

20 E. A veteran of the armed forces who pays tuition
21 and fees at the rate provided for New Mexico residents under
22 this section is entitled to pay tuition and fees at the rate
23 provided for New Mexico residents in any subsequent term or
24 semester while the veteran is continuously enrolled in the same
25 degree or certificate program. For purposes of this

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1 subsection, a veteran is not required to enroll in a summer
2 term to remain continuously enrolled in a degree or certificate
3 program.

4 ~~[D.]~~ F. If an active member of the armed forces is
5 stationed outside New Mexico and the member's spouse or child
6 establishes residence in New Mexico and files with a state
7 institution of higher learning at which the spouse or child
8 plans to register a letter of intent to establish and continue
9 residing in New Mexico, the spouse or child shall be deemed an
10 in-state resident for purposes of determining tuition and fees
11 at that state institution of higher learning without regard to
12 length of time that the spouse or child has resided in the
13 state.

14 ~~[E.]~~ G. A spouse or child of an active member of
15 the armed forces who pays tuition and fees at the rate provided
16 for New Mexico residents under this section is entitled to pay
17 tuition and fees at the rate provided for New Mexico residents
18 in any subsequent term or semester while the person is
19 continuously enrolled in the same degree or certificate
20 program. For purposes of this subsection, a person is not
21 required to enroll in a summer term to remain continuously
22 enrolled in a degree or certificate program. A person's
23 eligibility to pay tuition and fees at the rate provided for
24 New Mexico residents under this subsection does not terminate
25 because the person is no longer a child or spouse of a member

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